

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4858 OF 2005

Mrs. Rukmani V. Agarwal ..Petitioner.

Versus

Union of India & Anr. ..Respondents.

Mr. T.G. Vora with Mohit Jadhav for the Petitioner.

Mr. A.N. Samant for the Respondent No.1.

CORAM : S. A. BOBDE, J.
DATED : 09TH AUGUST, 2005.

P.C.:

1. Rule, returnable forthwith.

Shri Samant waives service of rule for
Respondent No.1.

Heard by consent.

2. After having heard the matter for quite some time, it appears that the list of documents filed by the petitioner has been rejected by the trial court on the ground that in the affidavit of evidence, the reference is not made to each document individually. The trial court has rightly considered this to be an error. The petitioner has merely referred to a document at Sr.No.6 of the list of documents, which is in fact a number of documents, referred to collectively under the same item.

3. In the circumstances, I am of the view that the documents may be taken on record after filing an additional affidavit of evidence accompanied by an additional affidavit in respect of the specific documents which are sought to be produced. Mr. Samant, the learned counsel for the respondent prays that the respondent's written statement may be taken on record. This request of the respondent is not seriously opposed by the learned counsel for the petitioner. The written statement, therefore, be taken on record by the trial court.

4. Petition disposed of in the above terms.

9.8.05

(S.A.BOBDE, J.)

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